



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: June 24, 2015 REPORT NO: 15-054

ATTENTION: Charter Review Committee

SUBJECT: Permanent Rules of Council

REFERENCE: Municipal Code Section 22.0101: Permanent Rules of Council

REQUESTED ACTION:

- 1) Approve revisions to Municipal Code Section 22.0101: Permanent Rules of Council
- 2) Discuss and give direction to staff regarding certain policy matters as outlined in the report

STAFF RECOMMENDATION:

Approve recommended revisions to the Permanent Rules of Council to reflect current practice and give further direction on policy matters discussed in the report.

SUMMARY:

Charter Section 14 states that, "The Council shall determine its own rules and order of business." To that end, San Diego Municipal Code Section 22.0101: Permanent Rules of Council outlines the Rules of the Council and the proper procedure and protocol to conduct the business of the City Council, as well as that of the Council Committees and Closed Session Meetings.

In January 2015, the Council President requested the Director of Legislative Affairs review the Permanent Rules of Council and work cooperatively with several stakeholders such as the City Clerk, the City Attorney's Office, the Mayor's Office, the Committee Consultant's Assistant and the Docket Liaison to update the rules. As a result of several meetings with these stakeholders, the following revisions and clarifications are being proposed that would update the Permanent Rules of Council to reflect the Council's current practice. In addition, there are several other matters that are listed which will require further discussion and direction from the Committee on how to proceed.

**PERMANENT RULES OF COUNCIL PROPOSED REVISIONS:**

Rule 1.2: Time of Adjournment

- Add language clarifying that the Council may call a Special Meeting if necessary after the adjournment of a regular meeting.

#### RULE 1.3: Place

- Delete information regarding when a meeting shall take place if it falls on a legal holiday, and add, “in accordance with the Council approved legislative calendar which may be amended from time to time.”

#### RULE 1.4: Change of Time and Place

- Delete requirement to, “publish [the resolution that changes the time and place of a regular Council meeting] once in the City official newspaper at least twenty-four hours prior to the meeting to be held pursuant to such changes.” Such notice is given to the public at the Council Meeting at which the resolution is being approved and then posted in the breezeway and published on-line.
- Change notice requirement, of the change of time and place of the Council Meeting to Councilmembers, by Clerk from twenty-four hours in advance to seventy-two hours in advance to be consistent with the Brown Act.
- Delete reference to “registered mail” and clarify that “mail” can also refer to electronic mail.
- Change “regular meeting days established by this section” to “established by the Council approved legislative calendar, as may be amended from time to time.”

#### RULE 1.6: Emergency Meetings

- Change the language to read, “In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Council President or the majority of the Council may call a special meeting at the request of the Mayor without complying with the 24-hour notice requirement of this Rule.”

#### RULE 2.2: Order of Business

- Clarify that continuances are only to be requested by the Council on both Monday and Tuesday.
- Add a Communications section for the Mayor, Council, Independent Budget Analyst, City Clerk, and City Attorney Comment on Tuesday, after Non-Agenda Public Comment in order to be consistent with current practice.
- Pursuant to current practice, would delete references to specific item types to be taken on certain days or in a certain order in order to allow for better meeting and time management of the Council meetings.

#### RULE 2.3: Special Order of Business

- Rule 2.3.2: Clarify that the, “ Council President shall review such requests and may direct the City Clerk to list the request on the agenda under Special Order of Business”. This would be consistent with Rule 2.3.1.

#### RULE 2.5: Non-Agenda Items

- Clarify that a Council vote is only necessary for (b) and (c) outlined below, not for a continuance in which a vote was taken at a prior meeting.
  - (b) Upon a determination by a two-thirds vote of the Council, or if less than two-thirds of the members are present, a unanimous vote of those present that the need to take action arose after the agenda was posted, or
  - (c) Upon a determination by a majority of the Council that an emergency exists as defined herein.

#### RULE 2.6: Non-Agenda Public Comment

- Add “to the Mayor’s Office” to section 2.6.4, to read, “Any matter properly raised under this Rule may, if appropriate, be referred by the Council President to the Mayor’s office or the appropriate Committee for consideration.”

#### RULE 2.9: Procedure for Referral to Committee or Assignment to Council Docket

- Clarify language within section (d) to be consistent with Rule 5.2 duties of the Council President. Section 2.9.1 (d) would read, “Matters shall not be referred to more than one committee. Should a committee not have the jurisdiction to resolve the matter or it is unclear which committee’s area of responsibility the matter falls under; it may be assigned to another committee by the Council President or a majority of the Council.”

#### RULE 2.11: Procedure for Reconsideration

- 2.11.1: Clarify that a motion to reconsider must be made by a Councilmember who voted on the prevailing side per Robert’s Rules of Order. Additionally, clarify that this is the procedure that “must” be used “except as allowed in Rule 2.11.2.”

#### Rule 3.4: Voting on Matters Where a Full Council Vote is Necessary

- Add clarifying language that it is the Council that deems it necessary , to read, “On those matters where a full Council vote is deemed necessary by the Council, all testimony shall be taken as expeditiously as possible with a quorum present.”

#### RULE 4.5: Procedure when both the President and President Pro Tem are absent or unable to perform their duties

- In 4.5 (h) clarify the City Clerk’s role during the voting procedure to elect the Chair Pro Tem and reference Council Policy 000-13 as the procedure to be used for the selection of the Chair Pro Tem.

#### RULE 5.2: Duties of the President

- Add the responsibility to, “make appointments, in which the governing authority confers them on the Council President, in a timely manner.”

#### Rule 6.1: Creation of Standing Committees

- 6.1.3: Add language to create a March 1<sup>st</sup> deadline of each year for the annual work plans to be distributed and posted on-line.

#### Rule 6.3: Committee Meetings

- 6.3.3: Clarify that the “special issues committee” shall also be open to the public and other provisions as provided by the Rules.

#### Rule 6.4.3 Where a full committee vote is deemed necessary

- Add clarifying language that it is the Council that deems it necessary, to read, “On those matters where a full Committee vote is deemed necessary by the Committee, all testimony shall be taken as expeditiously as possible with a quorum present.”

#### Rule 6.5: Conduct of Committee Business

- 6.5.3: Add language, “either originated by the Committee or...” Recently there has been an increase in matters being originated by a Councilmember/Committee. It is suggested that the same resources and process should be available to the committee whether they originate an item or an item is referred to them. This information should be provided to the Committee through its consultant in a timely manner per Charter Section 32.1.
- 6.5.4 Clarify that the Mayor, the City Attorney, and the Independent Budget Analyst instead of “independent department heads” “shall” attend all committee meetings.

#### Rule 6.6: Committee Consultants and Legislative Staff

- 6.6.1: Add language to clarify that the Director of Legislative Affairs may be given other related matters of responsibility as deemed appropriate by the Council President.
- 6.6.2: Clarify the current practice that any consultant analysis shall be attached to the Request for Council Action instead of the resolution or ordinance.
- 6.6.3: Suggest deleting this section as it is not current practice to have other committee consultants provide staff assistance but rather have the Chair appoint a replacement at any time.

#### Rule 6.8: Rights and Duties of Committee Members

- 6.8.3: Add language, “scheduled pursuant to Rule 6.7.4.” In order to reference what process should be used.

#### Rule 6.9: Committee Hearings on Resolutions and Ordinances

- Currently it is not the practice of the City Attorney to always create the resolution or ordinance for a Request for Council Action prior to committee review. The proposed edits would reflect the current practice and change the committee’s recommendation to either “approve staff recommendation” or “approve staff recommendation as amended”.

Rule 6.10.1: Committee on Economic Development and Intergovernmental Relations

- 6.10.1(a): Change the committee membership to four voting members. This is consistent with our current temporary rule and is necessary due to the increase in the number of Council Committees.

Rule 6.11.1 Budget Review Committee

- 6.11.1 (a) Change this rule to be consistent with the current temporary rule and practice that has been followed for more than seven years in which the Budget and Government Efficiency Chair would Chair the Budget Review Committee and the Council President would be the Vice-Chair.
- 6.11.1(c) Consistent with current practice the following budgets should be reviewed by the Budget Review Committee: Housing Commission, Civic San Diego, San Diego Convention Center and Successor Agency to the Redevelopment Agency of the City of San Diego.
- 6.11.2 (d) Changed the “shall” to “may” in order to allow these items to come before the full City Council for consideration if deemed appropriate or referred to committee.
- 6.11.1(f) added clarifying language that the Budget Review Committee may review if available funding exists for a Special Issues Committee, but does not limit the establishment of a committee to occur only during this time. It has been past practice to create special committees or new committees in December or early January during the assumption of office of a new Council President.

Rule 6.11.2 Committee of the Whole

- Changed the “shall” to “may” in order to allow these items under the purview of the Committee of the Whole to come before the full City Council for consideration if deemed appropriate or referred to committee.

Rule 7: Procedures for Resolutions and Ordinances

- Changed the name of the section to, “Procedures for Request for Council Action”

Rule 7.1: Initiation of Resolutions or Ordinances by Councilmembers and Committees

- Change the name of the section to, “Initiation of Requests for Council Action by Councilmembers and Committees”
- Add the following language, “Resolutions or ordinances drafted in accordance with such requests shall be assigned by the President to the Adoption Agenda or referred to committee in the same way as all other resolutions or ordinances” to be consistent with language from Rule 7.2.1 regarding process.

Rule 7.2.2: Initiation of Resolutions and Ordinances by the City Attorney or the Mayor

- Change the name of the section to, “Initiation of Requests for Council Action by City Attorney or the Mayor”

- Add the form language “Request for Council Action” and requests that any of the matters listed be placed on the Council Docket “in coordination with the Council President’s office.”

Rule 7.3: Preparation of Resolution or Ordinance by the City Attorney

- 7.3.3 Clarify the current practice we use through the electronic docketing system regarding a Request for Council Action.

Rule 7.4: Delivery of Resolution or Ordinance to Council President

- 7.4.1 Change the current language within the last sentence to “within a timely manner or in compliance with any required legal deadline.” The current language would give the Council President no flexibility on when to docket matters before the Council. This would impact the council dockets and is not the current practice.
- Deleted 7.4.2, repetitive of 7.4.1.

Rule 7.6: Preparation and Delivery of Regular Agenda to Clerk

- Change language in section 7.6.1. to read, “The agenda prepared as above and any items under Special Order of Business, together with all resolutions and ordinances prepared and delivered as required by Rule 7 shall be delivered by the Council President to the City Clerk by 2:00 p.m. each Wednesday for listing on the agenda of the regular meeting of the Council as indicated by the Council President, but no sooner than the meeting to be held during the week following the next succeeding week.” In order to be in consistent with current practice and allow for better time management of the City Council meetings.

Revise Language throughout

- Use “Council President” instead of “President of the Council”
- Use “Council President Pro Tem” instead of “President Pro Tem”
- “Requests for Council Action” instead of “resolution or ordinance”, when appropriate
- “Areas of responsibility” instead of “germane” or “that include” when describing the purview of each Council Committee.
- Several instances of unnecessary verbatim repetitive language throughout the Rules.
- Delete reference to the Clerk throughout the Committee section. Currently these are all responsibilities that fall under the purview of the Committee Consultants Assistant.

**PERMANENT RULES OF COUNCIL POLICY DIRECTION REQUESTED:**

Rule 2.1: Agenda

- Currently the Permanent Rules of Council describes the Monday and Tuesday Sessions of the Council as one consolidated agenda. This allows the Council to take up public comment on Closed Session at the conclusion of business on Monday and convene directly into Closed Session Tuesday morning. Recently the City Attorney’s Office opined that this also limits the window for noticing purposes and all items for both the Monday and Tuesday agenda to be posted by Friday at 2 p.m.

The Council may either keep this standard or could decide to change the Monday and Tuesday meetings into two agendas. Changing the agenda into two separate agendas would allow for flexibility in docketing supplemental items. Supplemental items would be able to be posted 72 hours from Tuesday at 10 a.m, but it would also involve a change to the current practice on when public comment for closed session is taken. Some options for changing Closed Session would be :

- Take public comment on closed session on Tuesday at 9 a.m. prior to adjourning into Closed Session; or
- Move Closed Session to Tuesdays at 1 p.m. and take public comment on Closed Session during the Tuesday morning meeting session.

#### Rule 2.3: Special Order of Business

- Rule 2.3.3 (b) : Currently Rule 2.3.3 (b) states that the Council President “must” place on the agenda under Special Order of Business the written request of a Councilmember to have the full Council vote on whether a matter, which has been held in committee may be placed on the Adoption Agenda. Would the Committee like to see a request come from two or more Councilmembers for an item “held in committee” to be placed on Special Order of Business, or have Rule 2.3.2 (b) changed to be consistent with the practice of Rule 2.3.1 and 2.3.2 in which the matter is reviewed by the Council President and may be placed on the agenda at his/her discretion?

#### Rule 4.5: Clarification of the role and responsibilities of the Chair Pro Tem

- Would the Committee like to clarify the role of the Chair Pro Tem? Currently there is a process for electing a Chair Pro Tem beyond the current session, but once they are elected there is no distinction in duties.

#### Rule 6.6: Committee Consultants and Legislative Staff

- The Role of the Office of the Independent Budget Analyst and the priorities for the Committee is discussed in Rule 6.6.4 and 6.6.5. Would the Committee like similar sections added for the Office of the City Attorney, in order to better understand and outline their support role for the committees?

#### Rule 6.9.1: Committee Hearings on Resolutions or Ordinances

- 6.9.1(c) states that a matter shall be forwarded for Council consideration with no committee recommendation upon the affirmative vote of two or more committee members. Would the Committee like to clarify how this rule will or will not apply to 5 member Committees? Would two votes still move a matter forward to Council without a recommendation?

#### Rule 6.10: Standing Committee Composition and Responsibilities

- Would the committee wish to have the Director of Legislative Affairs work with the Committee Consultants and the Committee Consultants' Assistant to review the areas of responsibilities for the Council Committees and bring forward some possible clarifications?

#### Rule 6.10.7: Additional Responsibilities of the Committee Chaired by the Council President

- Would the Committee be interested in creating a Special Committee, similar to the Budget Review Committee and moving the "Additional responsibilities of the Committee Chaired by the Council President" to that committee? Currently these responsibilities are tacked on to a committee that is not necessarily related to these matters. This would streamline the process and allow the Council President or whomever is assigned these duties to call Special Meetings of the Committee when necessary to review such matters under the committees area of responsibility.

An example of this can be seen at the Charter Review May 14, 2015 committee meeting. Several "rules" related items were agendaized and taken up on one day for further review. This had to be clarified several times to the public in advance of the meeting as to why they were coming to a Charter Review Committee meeting to discuss issues such as Immigration. Additionally, the Ethics Commission could be added as a responsibility under the purview of this committee. The committee would consist of 4 members and would meet on an as needed basis.

#### Rule 7.3: Preparation of Resolution or Ordinance by City Attorney

- It is current practice to request a strike-out or explanation of the change in a resolution or ordinance in order to update the docket accurately. Would the Committee wish to incorporate this practice into the Permanent Rules:
  - *(a) If changes are made to the resolution or ordinance after the Request for Council Action has been submitted to the Council President, a corrected copy of the resolution or ordinance with a strike-out shall be submitted to the Council President.*

#### Rule 7.3: Preparation of Resolutions and Ordinances by City Attorney

- Rule 7.3.2: Would the committee like to request that the City Attorney to indicate if a matter requires 6 votes within the resolution or ordinance?

#### Rule 7.6: Preparation and Delivery of Regular Agenda to Clerk

- Rule 7.6.4: Would the Committee like to change the submittal time for Supplemental items from Wednesday to Thursday?

#### Rule 8: Noticing and Conduct of Closed Session

- A clear process regarding coordination between the City Attorney, Mayor, and Council President in preparation of the Closed Session agenda, per Charter Section



270 (d) needs to be created. Suggest that the Committee request a representative from the Mayor's Office, the City Attorney's Office, and the Council President's Office meet to further discuss and create a process to be brought back to the committee for review.

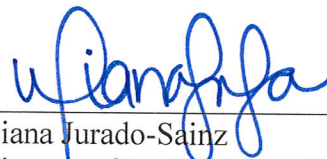
#### **MATTERS STILL UNDER LEGAL REVIEW**

- RULE 2.2: Order of Business: What language can be added to allow Council to convene later than 10 a.m. if Closed Session runs late?
- RULE 2.3: Special Orders of Business: Clarifying language under legal review.
- Rule 2.4.3: Consent Agenda: The City Attorney's office is still reviewing the Council's ability to place second hearing Charter Section 99 items that are noticed in the official city newspaper on the consent agenda. If possible, clarifying language would be added to this section.
- Rule 8: Noticing and Conduct of Closed Session: City Attorney's Office is currently reviewing this section.

#### **FISCAL CONSIDERATIONS:**

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: The last comprehensive review of the Permanent Rules of Council was completed in May 2011.



---

Diana Jurado-Sainz  
Director of Legislative Affairs

Attachment:

1. Strike-Out

## §22.0101 Permanent Rules of the Council

### Rule 1: TIME AND PLACE OF MEETINGS

#### 1.1. Time

The regular weekly meetings of the City Council shall be scheduled over a two-day period as follows:

Monday 2:00 p.m. — 5:30 p.m.

Tuesday 9:00 a.m. — 5:30 p.m.

#### 1.2. Time of Adjournment

The time of adjournment each day may be extended by the Council President or by two-thirds vote of the members of the Council beyond the time specified above should additional matters remain on the Council agenda. Additionally, the Council may call a Special Meeting of the City Council if necessary after the adjournment of the regularly scheduled meeting.

#### 1.3. Place

Regular Council meetings shall be held in the Council Chambers of the City Administration Building, Community Concourse, in the City of San Diego, California in accordance with the Council approved legislative calendar which may be amended from time to time.. In addition thereto, the Council may also hold regularly scheduled night Council meetings starting no earlier than 6:00 p.m. in the Council Chambers of the City Administration Building or in various community facilities throughout the City of San Diego. Such night Council meetings will be scheduled as determined by the Council President with the specific date, time, and location of each meeting to be established by resolution of the Council. In the event a regular meeting shall fall on a legal holiday, the meeting may be held on the next business day.

#### 1.4. Change of Time and Place

The Council may by resolution, when necessary, change the time and place of the regular meeting. The resolution shall set forth the circumstances necessitating such change. Such resolution shall be published once in the City official newspaper at least twenty-four hours prior to the meeting to be held pursuant to such change. Twenty-

~~four~~ **Seventy-two** hours prior to the meeting to be held pursuant to such change, the City Clerk shall give each Councilmember written notice, personally or by ~~registered~~ mail, ~~which~~ **mail includes electronic mail**, - of any change from the regular meeting days established by- ~~the~~ **Council approved legislative calendar, as may be amended from time to time. this section.**

### 1.5. Special Meetings and Notice

- (a) A special meeting may be called at any time by the **Council** President or by a majority of the members of the Council. The party calling the special meeting shall deliver personally or by mail written notice to each member of the Council and the Mayor, and to each local newspaper of general circulation, radio, or television station requesting notice in writing.
- (b) Notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted.
- (c) No other business shall be considered at such meetings by the Council. Such special meetings shall be chaired by the **Council** President.
- (d) Such written notice may be dispensed with as to any member who at, or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by electronic mail. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

### 1.6. Emergency Meetings and Notice

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the **Council President or the majority of the Council** may ~~call -hold~~ a special meeting at the request of the ~~President or the~~ Mayor without complying with the 24-hour notice requirement of this Rule. For purposes of this paragraph, “emergency situation” means any of the following:

- (a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Council; or
- (b) Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Council.

However, each local newspaper of general circulation and radio or television station which has requested notice of special meetings pursuant to this Rule shall be notified by the **Council** President or designee, one hour prior to the special meeting by telephone.

The **Council** President or designee, shall exhaust all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings. In the event that telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the Council, or designee thereof, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the special meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible. The Council shall not meet in closed session during a meeting called pursuant to this paragraph. All special meeting requirements as prescribed in this Rule shall be applicable to a meeting called pursuant to this paragraph, with the exception of the 24-hour notice requirement. The minutes of a meeting called pursuant to this paragraph, a list of persons who the **Council** President or designee, notified or attempted to notify, a copy of the roll call vote, and any actions taken at such meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

## **Rule 2: PROCEDURE FOR COUNCIL MEETINGS**

### **2.1. Agenda**

A single consolidated agenda covering the regular Council meeting each week shall be published and when possible made available on the City's website.

### **2.2. Order of Business**

The order of business for Council meetings shall be as follows:

#### **Monday at 2:00 p.m.**

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Communications  
Mayor, Council, Independent Budget Analyst,  
City Clerk, City Attorney Comment
4. Requests for Continuances **by a member of the Council**

5. Adoption Agenda
  - ~~(a) Consent Items~~
  - ~~(b) Committee Items~~
  - ~~(c) Other Legislative Items~~
  - ~~(d) Noticed Hearings and Special Hearings~~
6. Non-Agenda Public Comment
7. Public Comment on Closed Session Items
8. Public Notices
9. Non-Agenda Items
10. Adjournment

**Tuesday at 9:00 a.m.**

1. Closed Session

**Tuesday at 10:00 a.m.**

1. Roll Call
2. Pledge of Allegiance
3. Proclamations/Ceremonial Items
4. Non-Agenda Public Comment (30 minutes)

**5. Communications**

Mayor, Council, Independent Budget Analyst,  
City Clerk, City Attorney Comment

**~~6.5.~~ Special Orders of Business**

**~~76.~~ Consent Items**

**~~87.~~ Requests for Continuance by a member of the Council**

**~~98.~~ Adoption Agenda**

**~~(a) Noticed Hearings and Special Hearings~~**

(b) Unfinished Business from Monday

| 109. Non-Agenda Items

10. Non-Agenda Public Comment (trailed from morning session)
11. Report Out from Closed Session
12. Adjournment

### Night Meetings

When a night meeting is scheduled in accordance with Rule 1.3, the Council President may determine the appropriate Order of Business for both Monday and Tuesday.

## 2.3. Special Orders of Business

- 2.3.1. Requests to have an item placed on the agenda, under Special Orders of Business may be initiated by any Councilmember and must be submitted in writing to the **Council** President. The **Council** President shall review such requests and may direct the City Clerk to list the item on the agenda under Special Orders of Business.
- 2.3.2. A Councilmember may request that the Council President place on the agenda, under Special Orders of Business, an item which has not been denied by all members of a committee in order to have the full Council vote on whether the committee decision should be set aside and the matter reheard by the entire Council as being one involving such wide community and public interest that it requires the attention of the full Council. **The Council President shall review such requests and may direct the City Clerk to list the item on the agenda under Special Orders of Business.** The request shall be made by a Councilmember within ten days of the date of a committee's decision. A vote to hear the matter by the Council shall void any prior committee decision. The matter shall be considered de novo by the Council.



2.3.3. When a **Request for Council Action-matter** has been “held in committee” pursuant to Rule 6.9.2, the following rules shall apply:

- (a) The **Council** President may place on the agenda, under Special Orders of Business, an item that has been “held in committee” in order to have the full Council vote on whether this matter may be placed on the Adoption Agenda.
- (b) The **Council** President must place on the agenda, under Special Orders of Business, the written request of a Councilmember to have the full Council vote on whether a matter, which has been “held in committee,” may be placed on the Adoption Agenda.
- (c) The Council may, by majority vote, cause a resolution or ordinance which has been “held in committee” to be placed on the Adoption Agenda. A Council majority vote to hear a matter “held in committee” shall void any prior committee decision. The matter shall be considered de novo by the Council.

2.3.4. Discussion during meetings of the Council of items listed on the agenda as Special Orders of Business shall be within the discretion of the **Council** President. These items are not debatable.

## 2.4. Adoption Agenda

2.4.1. The Adoption Agenda shall consist of noticed hearings and ordinances and resolutions placed on the agenda for action by the Council.

2.4.2. Any matter approved for rehearing or consideration by the entire Council shall be placed on the Adoption Agenda in a timely manner.

### 2.4.3. Consent Agenda

- (a) The **Council** President shall identify items that are to be placed on the consent portion of the Adoption Agenda.
- (b) Any Councilmember or member of the public may remove any item from the Consent Agenda by notifying the **Council** President of his or her desire to address this item.

- (c) The Consent Agenda shall include those ordinances and resolutions, reported out of a standing committee, for which the law does not require a noticed hearing. Such items may be referred to the Consent Agenda as a time-saving device where they can be disposed of by a single motion when they are sufficiently routine or non-controversial or have had sufficient prior public discussion.
- (d) Any item considered in committee and reported out with a unanimous affirmative vote of all committee members shall, unless otherwise specified by the **Council** President, be placed on the Consent Agenda.
- (e) Notwithstanding any other provision of these Rules or the San Diego Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including but not limited to annual financial reports, Preliminary Official Statements or Offering Documents, or other agreements between the City and other entities supporting the issuance of securities by or on behalf of the City or any City related entity, shall be identified as a consent item on an agenda.

#### 2.4.4. Noticed Hearings

The Noticed Hearings portion of the Adoption Agenda shall consist of hearings upon matters that concern specific land uses, individual property rights, or legislative action which, by law, require individual noticed hearings.

### 2.5. Non-Agenda Items

The Council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions pursuant to California Government Code section 54954.2 if:

- (a) An item has been continued by the Council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item, or
- (b) Upon a determination by a two-thirds vote of the Council, or if less than two-thirds of the members are present, a unanimous vote of those present that the need to take action arose after the agenda was posted, or

- (c) Upon a determination by a majority of the Council that an emergency exists as defined herein.

The originating official shall follow the existing docketing process and indicate the reason for the request. The Council shall be required to first vote upon the matter of determining the validity of the circumstances giving rise to the request prior to discussion and action upon the item of business. **A vote to take up the matter is only required for items that fall under (b) or (c) of this section.**

## **2.6. Non-Agenda Public Comment**

**2.6.1.** Every agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within the jurisdiction of the Council. Non-Agenda Public Comment shall be subject to the exercise of the **Council** President's discretion for a given agenda.

**2.6.2.** In order to ensure that the Council has time to consider all agenda items, non-agenda public testimony on particular issues and for each individual speaker will be as follows:

- (a) Each speaker must file a written request (speaker slip) with the Clerk at the meeting at which the speaker wishes to speak. Speaker slips may not be turned in prior to the meeting date or after completion of Non-Agenda Public Comment.
- (b) Each speaker will be limited to two minutes. Speakers may not allocate their time to other speakers. If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The order of speaking generally will be determined on a first-come first-served basis, however, priority may be given to speakers who have not addressed the legislative body during Non-Agenda Public Comment at the last regularly scheduled Council meeting.
- (c) Non-Agenda Public Comment is limited to 30 minutes during the morning session of the Tuesday Council meeting per Rule 2.2. Any remaining speakers will be given an opportunity to speak after Council concludes the other agenda items for that day.

**2.6.3.** Each person desiring to address the Council shall approach the podium, state his/her name for the record, state the subject he/she wishes to discuss, and state who he/she is representing if he/she represents an organization or other persons. The **Council** President shall not permit any communication, oral or written, to be made or read where it does not bear on something of interest to the public which is within the subject matter jurisdiction of the Council.

**2.6.4.** No discussion or action on any matter of non-agenda public comment shall be permitted. Any matter properly raised under this Rule may, if appropriate, be referred by the **Council** President to **the Mayor's office or** the appropriate Committee for consideration.

**2.7. [Reserved]**

**2.8. Parliamentary Procedure**

**(a)** In all cases not provided by these Rules, or other ordinance or resolution, Robert's Rules of Order Newly Revised will be used as a guide to the Council's conduct.

**(b)** Robert's Rules of Order notwithstanding, a "majority" of Councilmembers means five Councilmembers. A "majority vote" means the affirmative vote of five Councilmembers. A "two-thirds vote" means the affirmative vote of six Councilmembers.

**(c)** For committee meeting purposes, "majority" means 50 percent of the members appointed to a committee plus one and "majority vote" means the affirmative vote of 50 percent plus one of the members appointed to a committee.

**2.9. Procedure for Referral to Committee or Assignment to Council Docket**

**2.9.1.** The procedures for referral to Committee are as follows:

- (a)** The **Council** President or the Council by majority vote shall have the authority to refer a resolution or ordinance to a standing committee or to the Committee of the Whole for further study and consideration, or to direct the City Clerk to place the resolution or ordinance directly on the Council agenda for adoption.

- (b) The **Council** President or the Council by majority vote shall have the authority to refer matters, other than resolutions or ordinances, to -a standing committee for further study and consideration.

- (c) Matters assigned or referred to a standing committee shall be in keeping with the ~~general~~ areas of responsibility and the workload of the committee.
- (d) Matters shall not be referred to more than one committee. Should a committee ~~find that it does not~~ have the jurisdiction to resolve the matter ~~or it is unclear which committee's area of responsibility the matter falls under~~; it may be ~~re~~assigned to another committee by the **Council** President or a majority of the Council.

**2.9.2.** The **Council** President shall place directly on the Council agenda, prior to assignment to any committee, any matter so requested in writing by four members of the Council. Such a matter shall be docketed for hearing at a regularly scheduled meeting of the Council within thirty days thereafter. However, any matter which has been placed directly on the Council agenda without first having been heard by a committee of the City Council must be referred to the appropriate committee for a hearing when so requested by any Councilmember, subject to a vote of the Council majority or by unanimous consent. This matter shall be scheduled for hearing at a regular meeting of that committee within 120 days unless otherwise directed in the assignment process.

## **2.10. Procedure for Debate**

The following guidelines shall be used in debating any item and may be modified at the discretion of the Council President or by a vote of the Council majority setting different time limits for debates:

- (a) Brief opening statement by the item originator explaining the item (maximum of five minutes).
- (b) Statements may be made by the Independent Budget Analyst, City Attorney, and City Auditor concerning the item (maximum of five minutes each).
- (c) Testimony by members of the public regarding the item.

- (d) Questions and Discussion. The order of recognition of a Councilmember, the City Attorney, or the Independent Budget Analyst desiring to speak shall be determined by the Council President in accordance with the recognition light panel. Each Councilmember, the City Attorney, and the Independent Budget Analyst shall be allowed the opportunity to speak and shall be limited to five minutes per person. Each Councilmember has the right to obtain an additional three minutes upon request, with the further right of any other member to yield all or a portion of such member's time to another member. Motions by Councilmembers may be made at this time.
- (e) Call for a vote on the main motion or where no motion has been made, a request for a motion.

## 2.11. Procedure for Reconsideration

**2.11.1.** A motion for reconsideration of any matter must be entertained on the same day that the matter was voted upon by the Council, **except as allowed in Rule 2.11.2. The motion to reconsider must be made by a Councilmember who voted on the prevailing side, per Robert's Rules of Order.**

- (a) Where the matter has not been one on which a noticed public hearing has been held, the Council may approve a motion to reconsider by majority vote. If the motion passes, the Council may re-vote on the matter that same day.
- (b) Where the matter is one on which a noticed public hearing has been held, such as those under Council Policy 000-06:
  - (1) the Council must first suspend these Permanent Rules of Council by a two- thirds vote before it may vote on the request for reconsideration.
  - (2) A motion to reconsider shall be approved by a majority vote of the Council.
  - (3) If a motion to reconsider is approved, set a date to rehear the matter, subject to applicable noticing requirements.

**2.11.2.** Notwithstanding Rule 2.11.1, any matter for which a reconsideration is requested at a date later than the same day the matter was voted upon must be processed and re-docketed under Special Orders of Business. Once the request is docketed:

- (a) Where the matter is one on which a noticed public hearing has been held, the Council must first suspend these Permanent Rules of Council by a two-thirds vote of the Councilmembers before it may vote to direct the City Clerk to docket the request for reconsideration.
- (b) A motion to reconsider shall be approved by a majority vote of the Council.
- (c) If a motion to reconsider is approved, set a date to rehear the matter, subject to other applicable noticing requirements.

**2.11.3.** A vote by the Council on a matter “held in committee” or one relating to a decision of a committee, shall not be subject to a motion to reconsider and the decision of the Council shall be final forthwith. Any matter approved for rehearing or reconsideration by the entire Council shall be placed on the Adoption Agenda in a timely manner.

## **2.12. Suspension of Permanent Rules**

Any permanent rule of the Council may be suspended temporarily by a vote of two-thirds of the Councilmembers, provided that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

## **2.13. Public Conduct**

Notwithstanding any other provision of law, no person shall cause any disruption of a Council meeting by loud, threatening, or obscene conduct. Any person who engages in such conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the **Council** President, be barred from further audience before the Council during that meeting. Any person having been ruled out of order by the **Council** President shall immediately conform to the orders of the **Council** President. Any person who refuses when ordered to conform to the rules of conduct may be removed from the place of the Council meeting by order of the **Council** President.



### Rule 3: DUTIES OF COUNCILMEMBERS

#### 3.1. Collective Concurrence Prohibited

Except as authorized pursuant to California Government Code section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited.

#### 3.2. Requirement to Vote on Matters Not Involving Personal Interests

No member shall be excused from voting at a Council meeting except on matters involving the consideration of his or her own official conduct or in which his or her own personal interests are involved.  
*(See California Political Reform Act, Government Code sections 1090, 1126, 81000)*

#### 3.3. Voting After Absence from Council Meeting

Council business shall not be impeded by the absence of a member as long as a quorum is present. Members absent from a Council meeting shall be required to study and review applicable material and tapes before voting thereafter on any such matters.

#### 3.4. Voting on Matters Where a Full Council Vote is Necessary

On those matters where a full Council vote is deemed necessary **by the Council**, all testimony shall be taken as expeditiously as possible with a quorum present. The actual vote will be taken by the full Council after absent members have had sufficient time for review of applicable material and tapes.

### Rule 4: SELECTION AND REMOVAL OF THE COUNCIL PRESIDENT AND **COUNCIL** PRESIDENT PRO TEM

#### 4.1. Title

The official title of the Council's presiding officer shall be **Council** President ~~of the Council~~. The acting presiding officer's title shall be **Council** President Pro Tem.

**4.2. Selection of the Council President**

At the first Council meeting held on or after the tenth day of December, the Council shall select a Council President from one of its members by majority vote of the Council. The Council President shall serve for a term of one year, commencing on the date set forth above, or until a successor is selected and qualified, whichever is later. The Council President may serve more than one term.

**4.3. Selection of the Council President Pro Tem**

No later than the second meeting of the Council in January of each year, the Council President shall select a Council President Pro Tem, subject to confirmation by a majority of the Council. The Council President Pro Tem shall perform all the duties of the Council President as prescribed by the City Charter or by ordinance when the Council President is absent or unable to perform his or her duties. The Council President Pro Tem shall serve for a term of one year, commencing on the date set forth above, or until a successor is selected and qualified, whichever is later. The Council President Pro Tem may serve more than one term.

**4.4. Removal of Council President or Council President Pro Tem**

At any time, the Council President or Council President Pro Tem may be removed by a majority vote of the Council. In the event of a vacancy in either the position of Council President or Council President Pro Tem, the Council shall fill that vacancy at the next regularly scheduled Council meeting and the successor shall serve for the remaining term of his or her predecessor.

**4.5 Procedure When Both the Council President and Council President Pro Tem are Absent or Unable to Perform Their Duties**

In the absence of both the Council President and Council President Pro Tem, the City Clerk shall call the Council meeting to order, and the Council shall immediately elect a Chair Pro Tem to preside during that session. Such office is terminated by the entrance of the Council President or Council President Pro Tem, or by the election of another Chair Pro Tem. If the Council must elect a Chair Pro Tem to hold office beyond the current session, notice must be given prior to the meeting at which such election is held. The procedures for electing the Chair Pro Tem are as follows:

- (a) The Clerk calls the meeting to order, takes roll call, and takes up the item of electing a Chair Pro-Tem.

- (b) The Clerk opens the floor to nominations, calling on Councilmembers in accordance with the recognition light panel.
- (c) When all nominations have been placed on the floor, the Clerk calls on each nominee to make a statement (maximum of three minutes).
- (d) Councilmembers will have five minutes per person for questioning nominees.
- (e) Members of the public may comment regarding the item (maximum of three minutes).
- (f) ~~The Clerk will call for a vote on the main motion or where no motion has been made, a request for a motion.~~
- (g) When there is only one nomination, the nominee may be elected by majority vote ~~or general consent.~~
- (h) If there are multiple nominations, the Clerk shall follow Council Policy 000-13 regarding how to fill a vacancy if the number of nominees is greater than the number of vacancies. ~~provides a ballot to each Councilmember, who shall vote for the candidate he or she feels to be most qualified and return the ballot to the Clerk. The candidate receiving the highest number of votes (minimum of five) shall be elected as Chair Pro Tem. If no candidate receives a minimum of five votes, the Clerk may limit the slate of finalists to the two candidates who received the highest number of votes. The finalist receiving the highest number votes (minimum of five) shall be elected as Chair Pro Tem.~~

## Rule 5: DUTIES OF THE COUNCIL PRESIDENT AND COUNCIL PRESIDENT PRO TEM

### 5.1. City Charter Provisions

The Council President shall have such duties as prescribed for the presiding officer in Article XV of the City Charter and such other responsibilities, rights and duties prescribed by the Council and authorized by law. The Council President Pro Tem shall perform all the duties of the Council President as prescribed by the City Charter or by ordinance when the Council President is absent or unable to

perform his or her duties. When the Council President and Council President Pro Tem are absent or unable to vote, the City Clerk will call for a vote, per Rule 4.5.-

## 5.2. Duties of the Council President

The duties of the Council President shall be to:

- (a) Chair meetings of the Council and enforce the Rules of Council.
- (b) Call Special meetings of the Council under Rule 1.
- (c) Manage the docketing process and identify which items should be docketed, placed on the consent agenda, or referred to committee.
- (d) Coordinate closed session dockets with Mayor and City Attorney.
- (e) Select the committee chairs and committee vice-chairs with approval by a Council majority.
- (f) Request information regarding matters before the Council.
- (g) Represent the Council at government and public functions.
- (h) Make appointments, in which governing authority confers them on the Council President, in a timely manner.

In the event of a vacancy in the office of Mayor, the Council President shall assume those duties of the Mayor prescribed in City Charter section 265(i).

## Rule 6: STANDING AND SPECIAL COMMITTEES

### 6.1. Creation of Standing Committees

6.1.1 The Council hereby creates six standing committees as follows:

- (a) Committee on Economic Development and Intergovernmental Relations
- (b) Committee on Smart Growth and Land Use
- (c) Committee on the Environment
- (d) Committee on Public Safety and Livable Neighborhoods
- (e) Committee on Budget and Government Efficiency
- (f) Committee on Infrastructure

- 6.1.2** Each standing committee shall have the responsibility for certain subject matters as set forth in these Rules. In addition, each committee shall have the following responsibility:
- (a) If requested by the Council, to ascertain facts and to annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to matters within the committee's responsibilities.
  - (b) To ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to matters within the committee's responsibilities.
  - (c) To hold hearings on matters referred to it.
- 6.1.3.** Each standing committee shall develop an annual work plan and compile a year-end report to be presented to the Council at the end of each year. It is recommended that a committee's work plan be **distributed and posted on-line by March 1 of each year and** updated at the mid-year. A mission statement may be included in the work plan.

## **6.2. Committee Appointments and Membership**

- 6.2.1.** For each committee, the Council President shall nominate the committee Chair, vice-chair and committee members, subject to confirmation by a majority vote of the Council. These appointments shall be made annually and no later than the second meeting of the Council in January of each year. The Council President also may nominate an alternate for each committee subject to Council confirmation. The alternate shall serve only when the committee lacks sufficient members to constitute a quorum for the conduct of business.
- 6.2.2.** The term for each committee member shall be for one year and until a successor is duly appointed and confirmed. The one-year term is renewable each year.
- 6.2.3.** The **Council** President ~~of the Council~~, with Council approval, shall fill, within a reasonable time, any vacancies that may occur from time to time on any of the standing committees. A committee member appointed to fill a vacancy shall serve for the remainder of the term of his or her predecessor.

### 6.3. Committee Meetings

- 6.3.1. The Council shall establish such schedules for regular meetings of the committees as will permit a full attendance of their members without conflict of committee engagements. Such schedules shall be adopted by Council resolution no later than the second regular Council meeting in January.
- 6.3.2. The Chair, or a majority of the committee, may call a special meeting of the committee by giving appropriate notice, with a copy to each member of the committee personally or in writing twenty-four hours prior to the meeting, specifying the purpose of the meeting, the time and place thereof, and the matters to be considered at such special meetings. No matter shall be considered at such special meeting other than that specified in the notice.
- 6.3.3. Every committee meeting of each standing committee, **special issues committee**, the Budget Review Committee and the Committee of the Whole shall be open to the public except as otherwise provided for by state law and conform to the notice, posting, public comment, ~~and~~ public conduct, **and other** provisions as provided by these Rules.

### 6.4. Committee Quorums and Attendance

- 6.4.1. A majority of the membership of the committee shall constitute a quorum for the transaction of business. A committee may not conduct business absent a quorum and, if properly convened, must terminate committee proceedings upon the loss of a quorum. The Chair may, under such conditions, continue all remaining matters to the next scheduled committee meeting. A majority of all members constituting the committee, however, shall be required to report ~~a resolution or ordinance~~, **or** any matter properly before it, out of committee.
- 6.4.2. Committee business shall not be impeded by the absence of a member as long as a quorum is present. Members absent from a committee meeting shall be required to study and review applicable material and tapes before voting thereafter on any such matters.

- 6.4.3. On those matters where a full committee vote is deemed necessary **by the Committee**, all testimony shall be taken as expeditiously as possible with a quorum present. The actual vote will be taken by the full committee after absent members have had sufficient time for review of applicable material and tapes.
- 6.4.4. When and as long as any standing committee lacks sufficient members, including alternates, to constitute a quorum for the conduct of business, the **Council** President is authorized to act as a voting member of that standing committee.
- 6.4.5. The Council shall vacate the committee seat of any appointed committee member who is absent from four consecutive scheduled committee meetings of that committee unless the absence thereof is excused by resolution of the Council.

## 6.5. Conduct of Committee Business

- 6.5.1. Except as provided in Robert's Rules of Order, the Permanent Rules of Council shall govern the conduct of all committee meetings. Each committee may adopt, by a majority vote of its entire membership, such additional rules, not in conflict with the Permanent Rules of Council, as it may deem necessary for the conduct of committee business.
- 6.5.2. No action shall be taken on any measure outside of a duly constituted committee meeting.
- 6.5.3. Before acting on any matter **either originated by the Committee or** referred to it , a standing committee shall, through its consultant, make inquiry of the Mayor or appropriate department to determine the fiscal impact of the proposal, and those contacted by the committee consultant shall cooperate fully in providing the information required by the committee, **per Charter Section 32.1 .**
- 6.5.4. The Mayor, the City Attorney, and **Independent Budget Analyst independent department heads,** or their **designees, designees, shall may** attend all committee meetings but shall have no vote therein. The Mayor, the City Attorney, and independent department heads, or their designees, shall have the right to take part in discussions on matters properly before a committee relating to their respective offices, and may



participate in discussions in such committee meetings when requested to do so by a member of the committee.

## 6.6. Committee Consultants and Legislative Staff

- 6.6.1. The Council President shall assign a Director of Legislative Affairs to assist with managing the Council docket and other matters as appropriate. ~~The committee chair for each standing committee shall assign a committee consultant to provide assistance to the committee.~~
- 6.6.2. All committee consultants shall be subject to appointment and removal by the chairs of their respective committees. Committee consultants, in addition to the duties assigned to them by the committee, shall, when directed by the committee chair, prepare an objective informational analysis addressing both the policy and fiscal considerations of any matter that is reviewed by the committee. Such consultant analysis shall be attached to any Request for Council Action ~~resolution or ordinance~~ when it is delivered to the Council President for listing on the Adoption Agenda.
- ~~6.6.3. All committee consultants shall cooperate fully in providing staff assistance to each standing committee during the authorized absence of any committee consultant.~~
- 6.6.4. Legislative analysts within the Office of the Independent Budget Analyst may be assigned to provide policy analysis and reports on legislation initiated by the Council, provide policy related research and analysis on legislation initiated by the Mayor and independent departments, and conduct any special studies as requested by a majority of the Council.
- 6.6.5. Matters assigned to legislative analysts will be prioritized as follows: (1) the City Council, (2) the Council President, (3) Committee Chairs, and (4) individual Councilmembers.

## 6.7. Duties of Committee Chairs

- 6.7.1. The Chair shall preside at all meetings of the committee. Whenever the Chair is absent, the vice-chair shall preside.
- 6.7.2. The Chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by the various members of the committee in an orderly fashion and in keeping with proper decorum.

- 6.7.3. The Chair may initiate matters within the subject matter of the committee. The Chair shall arrange the agenda for committee meetings and shall set the date for any continued hearings. An agenda for each committee meeting shall be delivered by the Chair or designee to the ~~City Clerk or a~~ Committee Consultant's Assistant at least seventy-two hours prior to the committee meeting.
- 6.7.4. The Chair has discretion as to whether and when to schedule an item referred to the committee, except that the Chair shall schedule the first standing committee hearing on an item within 120 days of referral, or as otherwise specified, when (1) the matter has been referred to the committee by a majority vote of the Council; or (2) the issue referred is an ordinance or resolution submitted for approval by the Council.
- 6.7.5. Within one week following each meeting of a standing committee, the Chair of that committee shall notify the Council of the roll call votes on all actions taken at the standing committee meeting.

#### 6.8. Rights and Duties of Committee Members

- 6.8.1. It shall be the duty of each Councilmember to attend every meeting of every committee of which he or she is a member, and he or she is charged with fulfilling the responsibilities of such committees.
- 6.8.2. No member shall be excused from voting at a committee meeting except on matters involving the consideration of his or her own official conduct or in which his or her own personal interests are involved.
- 6.8.3. A Chair or a Committee Member shall have the right to present ideas to a committee for discussion and further development of the concept. Such ideas shall be ~~germane to within~~ the committee's area of responsibility ~~and shall be scheduled pursuant to Rule 6.7.4.-~~

#### 6.9. Committee Hearings ~~on Resolutions and Ordinances~~

- 6.9.1. A ~~Request for Council Action~~~~resolution or ordinance~~ shall be reported back to the Council only if the committee makes one of the following recommendations:

- (a) ~~Approve staff recommendation~~~~Introduce or introduce the ordinance as amended~~; or
- (b) ~~Approve staff recommendation~~ ~~Adopt the resolution or adopt~~ as amended;
- (c) Forward to the Council with no committee recommendation upon the affirmative vote of two or more committee members.

6.9.2. A ~~Request for Council Action resolution or ordinance~~ shall be deemed “held in committee” if: (1) the committee has not scheduled the item for hearing within 120 days of referral, or as otherwise specified; or (2) if the committee has not reported the ~~Request for Council Action resolution or ordinance~~ back to the Council within thirty days of the first scheduled committee hearing on the item. The ~~Council~~ President or the Council by majority vote can cause a ~~Request for Council Action resolution or ordinance~~ which has been “held in committee” to be placed on the Adoption Agenda of the Council docket in accordance with the provision of Rule 2.3.3.

6.9.3. If the committee recommends ~~that an ordinance be introduced as amended~~~~to the staff recommendation or that a resolution be adopted as amended~~, the City Attorney shall prepare the necessary amendments and ~~attach~~ ~~deliver~~ the amended resolution or ordinance, with digest, to the ~~Committee Chair and the originating official for inclusion in the~~ Request for Council Action. ~~The Committee Chair shall cause the resolution or ordinance, with the digest, to be delivered to the President or his/her designee for listing on the agenda of the regular Council meetings. The City Clerk must list items so delivered to it on the Adoption Agenda.~~

6.9.4. The ~~City Clerk or the~~ Committee Consultant’s Assistant shall keep a complete record of the meetings and actions taken by the committee. When the committee takes action on a ~~matter resolution or ordinance~~, the vote shall be by roll call vote only. All roll call votes shall be recorded by ~~the City Clerk or the~~ Committee Consultant’s Assistant and shall appear thereafter on the Council agenda in explanation of the item whenever the item appears on the Council agenda.

## 6.10. Standing Committee Composition and Responsibilities

### 6.10.1. Committee on Economic Development and Intergovernmental Relations

- (a) The Committee on Economic Development and Intergovernmental Relations shall be composed of ~~four~~five voting members.
- (b) The Committee on Economic Development and Intergovernmental Relations shall have responsibilities that include Intergovernmental Relations, Airports, Port District, Interagency and Binational Agreements, Workforce Development, City-wide Economic Development Programs, Enterprise Zones, International Trade, Arts and Culture, Business Improvement Districts, City Permits and Regulations, San Diego Convention Center Corporation, Economic Development Strategy, Commercial Marketing District, Educational Partnerships, Living Wage, Foreign Trade Zones, Open Data, Civic San Diego, and Prevailing Wage.

### 6.10.2. Committee on Smart Growth and Land Use

- (a) The Committee on Smart Growth and Land Use shall be composed of four voting Councilmembers.
- (b) The committee shall have responsibilities that include Planning, Land Use, Affordable Housing, General Plan Amendments, Transportation Planning, Transit Services, Parking Planning, Land Development Code, Sale and Lease of Property, Walkability, Bicycle Programs, Community Parking Districts, Historical Issues/Mills Act, and Community Plans.

### 6.10.3. Committee on the Environment

- (a) The Committee on the Environment shall be composed of four voting Councilmembers.
- (b) The committee shall have responsibilities that include the Clean Water Program, Water Management and Policy, Energy (Solar, Property Assessed Clean Energy Programs, Green), Multiple Species Conservation Program, Solid Waste Disposal, Recycling, Air Quality Standards, Hazardous Waste, Regional Parks, Open Space, Public Utilities, Golf, Utility Undergrounding, Franchise Agreements, Stormwater Management and Policy, Climate Mitigation and Adaption Plan (CMAP), Wastewater Management and Policy, Independent Rates Oversight Committee, Indirect Potable Reuse/Direct Potable Reuse, Recycled Water, Graywater, San Diego County Water Authority, and Wildlife Management. The committee's responsibility includes programmatic policy matters related to water, wastewater, storm water, and parks.

### 6.10.4. Committee on Public Safety and Livable Neighborhoods

- (a) The Committee on Public Safety and Livable Neighborhoods shall be composed of four voting Councilmembers.
- (b) The committee shall have the responsibilities that include Police, Fire, Neighborhood Parks, Recreation Programs, Youth Services, Senior Services, Maintenance Assessment Districts, Community Development Block Grants, Code Enforcement, Graffiti Abatement, Parking Regulations and Enforcement, Lifeguards, Veterans Services, Libraries, Homeless Services, Consumer Protection, Homeland Security, Volunteerism, Special Event Permits, and Emergency Medical Services.

#### **6.10.5. Committee on Budget and Government Efficiency**

- (a) The Committee on Budget and Government Efficiency shall be composed of five voting Councilmembers.
- (b) The Committee shall have responsibilities that include the Annual Budget, Financial Reports, Fees, Performance Measures, Information Technology, Enterprise Resource Management, Purchasing and Contracting, Managed Competition, Revenue, Management of City Office Space, Equal Opportunity Contracting, San Diego City Employees' Retirement System, Tourism Marketing District, Personnel, Civil Service, and Human Resources Issues.

#### **6.10.6. Committee on Infrastructure**

- (a) The Committee on Infrastructure shall be composed of four voting Councilmembers.
- (b) The Committee shall have responsibilities that include Capital Improvement Program (CIP), Oversight of CIP Streamlining, Infrastructure Finance, Regional Transportation Improvement Program, Asset Management, Infrastructure Condition Assessment Monitoring and Implementation, Neighborhood Input on Infrastructure Needs and Priorities, Stormwater Infrastructure, Public Facilities Financing Plans, Development Impact Fees, Facilities Benefit Assessments, Wastewater Infrastructure, Water Infrastructure, City Facilities, Park Infrastructure, Multi-Year Capital Improvement Program Plan, and Transportation Infrastructure. The committee's responsibility includes individual infrastructure projects related to water, wastewater, storm water, and parks.

#### **6.10.7. Additional Responsibilities of the Committee Chaired by the Council President**

- (a) The standing committee chaired by the Council President shall have additional responsibilities that include the Permanent Rules of Council, City Charter, Open Government, Elections and Ballot Measures, Annexations, Boards and Commissions, Customer Service, Public Outreach, and Committee Composition and Responsibilities.

- (b) The standing committee structure and assigned areas of responsibilities shall be reviewed by the committee chaired by the Council President every three years.
- (c) At the discretion of the Council President, any of the above responsibilities may be assigned to the standing committee chaired by the Council President Pro Tem or other appropriate standing committee.

## 6.11. Special Committee Composition and Responsibilities

### 6.11.1. Budget Review Committee

- (a) The Budget Review Committee shall be composed of all members of the Council. The ~~Chair of the Budget and Government Efficiency Committee Council President~~ shall serve as Chair of this special Committee and the Council President ~~Pro Tem~~ shall serve as Vice-Chair.
- (b) The ~~Chair Council President~~, or in his or her absence, the Council President ~~Pro Tem~~, or in the absence of both, the ~~Council President Pro Tem~~ ~~selected following the procedure in Rule 4.5~~, may call a special meeting of the Budget Review Committee in accordance with the provisions of California Government Code section 54956. Matters may be set for a hearing of the Budget Review Committee by a motion adopted by the Council at a regular meeting.
- (c) This special committee shall have the responsibility to analyze, study, and evaluate the estimates of required expenditures proposed for inclusion in the Annual Appropriation Ordinance, ~~Housing Commission, Civic San Diego, San Diego Convention Center, and the Successor Agency to the Redevelopment Agency of the City of San Diego.-~~
- (d) The committee shall have the further responsibility to review and evaluate the tentative Capital Improvements Program. Proposals regarding revenue and taxation ~~may~~ ~~shall~~ be referred to the Budget Review Committee.
- (e) Annual budget review meetings shall be set in accordance with California Government Code section 54954, no later than the ten weeks immediately



preceding the introduction of the Annual Appropriation Ordinance subject to the provisions of Council Policy No. 000–02.

- (f) During the annual budget review process, the Budget Review Committee may ~~review-determine~~ if available funding exists ~~for to-establish~~ a permanent standing “Special Issues Committee”. ~~The “Special Issues Committee” may be established by the Council at any time during the year~~ to meet on an as-needed basis to address short term or special issues.

#### 6.11.2 Committee of the Whole

- (a) The Committee of the Whole shall be composed of all members of the Council. The Council President shall serve as Chair and the Council President Pro Tem shall serve as Vice-Chair.
- (b) The Council President or, in his or her absence, the Council President Pro Tem, or in the absence of both, the Chair Pro Tem selected following the procedure in Rule 4.5, may call a special meeting of the Committee of the Whole in accordance with the provisions of California Government Code section 54956. Matters may be set for a hearing of the Committee of the Whole by a motion adopted by the Council at a regular meeting.
- (c) This special committee shall have the responsibility to analyze, study and evaluate a proposed resolution or ordinance, or to hold fact finding hearings, on any subject concerning City government that is beyond the scope of responsibility of any one standing committee or is adjudged by the Council President or Council to be more properly a concern of the entire Council.
- (d) Proposals for City action in cooperation with other local government entities including any actions to be taken on a regional basis ~~may~~**shall** be referred to the Committee of the Whole.

### Rule 7: PROCEDURES FOR **REQUEST FOR COUNCIL ACTION** **RESOLUTIONS AND ORDINANCES**

#### 7.1. Initiation of **Requests for Council Action Resolutions and Ordinances** by Councilmembers and Committees

Any member of the Council or a Council committee may initiate a resolution or ordinance by a Request for Council Action. Committee requests for Council action must ~~be germane to the subject matter properly be~~ within the area of responsibilities considered by that committee. Resolutions or ordinances drafted in accordance with such requests shall be assigned by the Council President to the Adoption Agenda or referred to committee in the same way as all other resolutions or ordinances.

**7.2. Initiation of ~~Requests for Council Action Resolutions and Ordinances~~ by the City Attorney or the Mayor**

**7.2.1.** Requests for Council action may be initiated by the City Attorney or Mayor, or any other independent department head for any matter that is germane to his or her official duties as prescribed by law. Resolutions or ordinances drafted in accordance with such requests shall be assigned by the **Council** President to the Adoption Agenda or referred to committee in the same way as all other resolutions or ordinances.

**7.2.2.** Any resolution or ordinance on which action of the Council is mandatory under any federal, state or local law shall be placed on the Adoption Agenda by the City Clerk **in coordination with** ~~without further action of~~ the **Council** President. Such matters include but are not limited to the following:

- (a) Request for a change in zoning;
- (b) Request for approval of a final map;
- (c) An appeal from any administrative or quasi-judicial decision as permitted under the City Charter, state law, or ordinance of the City; and
- (d) Any noticed hearing such as is involved in 1911 or 1913 Act proceedings.

Such resolution or ordinance shall be prepared and delivered by the City Attorney and a copy thereof shall be delivered by the City Attorney to the **Council** President for information.

**7.3. Preparation of Resolution or Ordinance by City Attorney**

**7.3.1.** Upon receiving a properly initiated Request for Council Action, the City Attorney shall prepare a resolution or ordinance as requested and shall affix a City Attorney control number thereto for purposes of identification of the document. The City Attorney shall also prepare a digest showing any changes in the existing law which are proposed by the resolution or ordinance.

7.3.2. Pursuant to City Charter sections 280 a and b, whenever a resolution or ordinance is not subject to a mayoral veto, the City Attorney shall, before signing off as to the form or correctness of that document, indicate the mayor's inability to veto that measure within the body of that resolution or ordinance.

7.3.3. The City Attorney shall then cause the completed document, with digest attached, to be ~~added to delivered to the official who originated~~ the Request for Council Action. ~~If more than one official signed the Request for Council Action, the City Attorney shall cause the completed document, with digest attached, to be delivered to the first signatory.~~ It will be the responsibility of the originating official to ensure the completeness of documentation accompanying the resolution or ordinance.

#### 7.4. Delivery of Resolution or Ordinance to Council President

7.4.1. The official who originated the Request for Council Action shall cause the resolution or ordinance, with attached digest, and any other supporting materials, prepared in accordance with this Rule, to be delivered to the **Council** President or his/her designee no later than 10:00 a.m. on Wednesday for listing on the agenda of a regular Council meeting to be held, at the discretion of the **Council** President, **within a timely manner or in compliance with any required legal deadline.** ~~the second or third week after receipt of the Request for Council Action.~~

~~7.4.2. Ordinances or resolutions that are reported out of committee in accordance with Rule 6.9 shall be delivered to the President or his/her designee by the Committee Chair by 10:00 a.m. on Wednesday for listing on the agenda of a regular Council meeting to be held, at the discretion of the President, the second or third week after receipt of the Request for Council Action.~~

#### 7.5. Preparation of the Council Agenda (Docket Management)

7.5.1. Only those resolutions or ordinances that have been prepared and delivered in accordance with these Rules shall be listed on the agenda. Each resolution or ordinance so prepared and so delivered shall be reviewed and shall be assigned to the Adoption Agenda to one of the categories enumerated below:

- (a) Consent Items
- (b) Noticed Hearings
- (c) Other Discussion and Legislative Items

- 7.5.2.** In assigning an ordinance or resolution to one of these categories, preference should be given to listing purchasing items and routine business resolutions as Consent Items on the Adoption Agenda.
- 7.5.3.** In assigning every other ordinance or resolution to one of these categories, it is preferable to refer it to a standing committee or the Committee of the Whole when it would do any of the following: (1) support or oppose state or federal legislation; (2) result in a substantial expenditure of City money; (3) result in a substantial loss of revenue to the City; (4) result in a substantial reduction of expenditures of City money by reducing, transferring or eliminating any existing responsibilities of the City; (5) appropriate money; or (6) add to, modify, or abolish existing City policy.

**7.6. Preparation and Delivery of Regular Agenda to Clerk**

- 7.6.1.** The agenda prepared as above and any items under Special Order of Business, together with all resolutions and ordinances prepared and delivered as required by Rule 7 shall be delivered **by the Council President** to the City Clerk by 2:00 p.m. each Wednesday for listing on the agenda of the regular meeting of the Council **as indicated by the Council President, but no sooner than the meeting to** be held during the week following the next succeeding week. ~~and the City Clerk shall so list the items.~~ Additionally, any item may be set for a time certain hearing.
- 7.6.2.** When preparing the docket, the **Council** President shall identify items to be placed on the consent agenda, noticed hearing agenda, and other items for discussion. Per City Charter section 280(b), the City Clerk shall indicate on the agenda which ordinances, resolutions and other matters are not subject to mayoral veto.

- 7.6.3.** The City Clerk shall arrange the agenda in proper printed format and cause the agenda to be prepared and distributed for public notice by 10:00 a.m. each Wednesday preceding the regular meetings of the Council to be held the following week. All supplemental agenda materials shall be delivered to the City Clerk by 2:00 p.m. each Wednesday and shall be posted in accordance with California Government Code section 54954.3.
- 7.6.4.** Notwithstanding the above provisions, there may be listed on the Adoption Agenda an ordinance or resolution that has been initiated as required by Rules 7.1 and 7.2 but which has not been prepared and delivered in accordance with Rules 7.3 and 7.4 if the City Attorney certifies in writing to the **Council** President that an ordinance or resolution will be prepared and delivered by the City Attorney to the City Clerk prior to the time the item is considered on the Adoption Agenda.

**7.7. Preparation and Delivery of Supplemental Agenda to Clerk**

- 7.7.1.** Notwithstanding the above provisions, the Council, at a regular meeting, or the **Council** President may direct the City Clerk to list a resolution or ordinance on a supplemental agenda for the next regular Council meeting if the City Attorney certifies to the City Clerk that an ordinance or resolution has been prepared or will be prepared and delivered to the City Clerk prior to the time the item is considered at the regular Council meeting.
- 7.7.2.** Notwithstanding any other provision of these Rules or the San Diego Municipal Code, no item concerning or relating to required financial disclosure under federal or state law, including but not limited to Preliminary Official Statements or Offering Documents, or other agreements between the City and other entities supporting the issuance of securities by or on behalf of the City or any City related entity, shall be docketed as a supplemental item on any agenda, and all such matters must be prepared as required by Rule 7.
- 7.7.3.** The legislative authority of Councilmembers in regard to drafting documents to be considered by the Council shall be preserved and not limited; provided, however, that all resolutions, ordinances, and other legal documents regarding and in support of matters listed on the Council agenda for Council action shall be prepared in final form by the City Attorney and bear the City Attorney's signature or approval as to form and legality.

## **7.8. Posting, Notice and Items for Consideration**

At least seventy-two hours before the regularly scheduled meeting of the Council, the City Clerk shall post the agenda with a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the meeting and shall be posted in a location freely accessible to the public. No discussion or action shall be taken on any item not appearing on the posted agenda, except as otherwise provided in Rule 2.5.

## **Rule 8: Noticing and Conduct of Closed Sessions**

The Council may impose upon itself requirements which allow greater access to its meetings than prescribed by the minimum legal standards set forth in the California Open Meeting Law, commonly known as “the Brown Act” (California Government Code sections 54950-54963).

### **8.1. Form and Manner of Notice**

- (a) All closed session items shall appear on a Closed Session Agenda or Supplemental Closed Session Agenda, which agenda may be separate and distinct from the City Council’s regular meeting agenda, but which shall be made available to the public and distributed concurrent with the regular meeting agenda of the City Council, which shall meet the 72-hour public noticing requirement. A line item shall appear on the regular Council docket indicating that closed session items will be appearing on a separate Closed Session Agenda. The closed session items will be appearing on a separate Closed Session Agenda.

The Closed Session Agenda shall clearly indicate the time and place that open session discussion of closed session items is scheduled to occur. Closed Session Agenda shall further indicate the time and place the scheduled closed session will occur.



- (b) All Closed Session Agenda items shall contain descriptions which can be easily understood and informative to the public in a meaningful way, unless to do so would harm the City and public interest by disclosing facts that are not known to the adverse party in any litigation or negotiations. Meaningful means: clear and specific enough to alert a person of average intelligence and education whose interests are affected by the item that he or she may have a reason to attend the meeting or seek more information on the item. The description should be concise and written in plain, easily understood words.
- (c) For authorized exceptions to open meetings, the following minimum noticing and disclosure requirements, as may be amended, shall apply:
  - (1) Significant Exposure to Litigation: California Government Code section 54956.9(b).
  - (2) Conference with Legal Counsel – Existing Litigation: California Government Code section 54956.9(a).
  - (3) Conference with Legal Counsel – Initiation of Litigation: California Government Code section 54956.9(c).
  - (4) Conference with Real Property Negotiators: California Government Code section 54957.1(a)(1).
  - (5) Conference with Labor Negotiators: California Government Code section 54957.6.
- (d) In open session, before public comment or Council discussion of any closed session item, the City Attorney or appropriate staff shall provide an oral update or progress report on matters under litigation, real property negotiations, or employee unit bargaining.

## 8.2. Public Participation

The public shall have the opportunity to directly address the Council on any closed session item on the agenda, prior to Council questions and discussion on the item and after the oral report by the City Attorney or appropriate staff.

### **8.3. Council Questions and Discussion in Open Session**

At the regular or special meeting of the Council, the Mayor and Councilmembers shall have the opportunity to discuss the basis for convening into closed session, ask questions, and respond to questions from the public.

### **8.4. Transcription of Closed Sessions**

All closed sessions shall be transcribed by a court certified reporter. All transcripts shall be retained.

### **8.5. Reporting of Closed Session Results in Open Session**

- (a) After every closed session, a public report is required as set forth herein. The Council shall adjourn from closed session, reconvene in open session, and publicly report such final action and the vote or abstention of every member present:
  - (1) Approval of an agreement concluding real estate negotiations: California Government Code section 54956.8.
  - (2) Approval given to the City's legal counsel to defend, or seek, or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation: California Government Code section 54956.9.
  - (3) Approval given to its legal counsel of a settlement of litigation at any stage prior to or during a judicial or quasijudicial-proceeding (pending litigation): California Government Code section 54956.9.
  - (4) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee: California Government Code section 54957.
  - (5) Approval of an agreement concluding labor negotiations with represented employees which is a final and has been accepted or ratified by the other party: California Government Code section 54957.6.

- (b) Reports that are required to be made pursuant to this section may be made orally or in writing. The City shall provide to any person who has submitted a written request to the City within twenty-four hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to California Government Code sections 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that an oral summation of the substance of the amendments has been made for the benefit of the document requester or any other person present and requesting the information.
- (c) The documentation referred to in Rule 8.5(b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.
- (d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

#### **8.6. Litigation Log**

The City Attorney, in coordination with the City Clerk, shall provide the Council with a weekly listing of all litigation filed against or by the City of San Diego, its officers or employees, any City boards, redevelopment agencies, and commissions (collectively “the City”) that has been served upon the City. The list shall include the court in which the case was filed, the name of the litigants, the date filed, and the Court case number. A copy of the list shall be kept on file in the Office of the City Clerk and available for members of the public. The list shall be provided every week, and shall report on cases served the immediate preceding week.

### **Rule 9: TEMPORARY RULES**

The Council President may, at any time, place on the Adoption Agenda a resolution establishing a temporary rule. Upon adoption by the Council, the temporary rule shall have the effect, for the time being, of a standing rule. If such temporary rule is in conflict with a permanent rule, it shall supersede such permanent rule only for the day on which it was adopted or for such greater period as may be specified in the temporary rule.

### **Rule 10: AMENDMENT OF PERMANENT RULES**

No Permanent Rule of the Council shall be amended except by ordinance adopted by the Council. No such ordinance shall be considered by the Council until it has been referred to the standing committee chaired by the Council President.

### **Rule 11: EXISTING PROCEDURES PRESERVED**

The procedures of the Council contained in the Council Policy Manual shall be continued in full force and effect.

*(Amended 6-21-2011 by O-20066 N.S.; effective 7-21-2011.)*

*(Amended 11-1-2011 by O-20109 N.S.; effective 12-1-2011.)*

*(Amended 1-10-2012 by O-20121 N.S.; effective 2-9-2012.)*

*(Amended 1-8-2013 by O-20242 N.S.; effective 2-7-2013.)*

*(Amended 11-28-2013 by O-20316 N.S.; effective 11-28-2013.)*

*(Amended 1-13-2015 by O-20452 and O-20453 N.S.; effective 2-12-2015.)*